

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

FILED IN OPEN COURT
ON 2-26-2020
Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NC

NO. 7:20-CR-29-1M(4)
NO. 7:20-CR-29-2M(4)
NO. 7:20-CR-29-3M(4)

UNITED STATES OF AMERICA)

v.)

INDICTMENT

MARLON PORTER)

a/k/a "MARLON McKOY,")

a/k/a "MARLO,")

RAYMOND KENNEDY)

ITALIA WILLIAMS)

The Grand Jury charges that:

COUNT ONE

Beginning in or about December 2018, the exact date being unknown to the Grand Jury, and continuing up to and including on or about December 13, 2019, in the Eastern District of North Carolina, the defendants, MARLON PORTER also known as "Marlon Mckoy," "Marlo," RAYMOND KENNEDY and ITALIA WILLIAMS, did knowingly and intentionally combine, conspire, confederate, agree and have a tacit understanding with each other and other persons known and unknown to the Grand Jury, to knowingly and intentionally possess with the intent to distribute and distribute heroin, a Schedule I controlled substances, and cocaine

and cocaine base (crack), Schedule II controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

Quantity of Controlled Substances Involved in the Conspiracy

With respect to the defendant, MARLON PORTER, also known as "Marlon McKoy," and "Marlo" the amount involved in the conspiracy attributable to him as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is a quantity of a heroin, a Schedule I controlled substance, two-hundred and eighty (280) grams or more of a cocaine base (crack) and a quantity of cocaine, Schedule II controlled substances, in violation of Title 21, United States Code, Sections 841(b)(1)(A) and (C).

With respect to the defendant, RAYMOND KENNEDY, the amount involved in the conspiracy attributable to him as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is a quantity of a heroin, a Schedule I controlled substance, and a quantity of cocaine and a quantity of cocaine base (crack), Schedule II controlled substances, in violation of Title 21, United States Code, Section 841(b)(1)(C).

With respect to the defendant, ITALIA WILLIAMS, the amount involved in the conspiracy attributable to her as a result of her own conduct, and the conduct of other conspirators reasonably foreseeable to her, is a quantity of a heroin, a Schedule I controlled substance, and a quantity of cocaine and cocaine base (crack), Schedule II controlled substances, in violation of Title 21, United States Code, Section 841(b)(1)(C).

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

On or about June 26, 2019 in the Eastern District of North Carolina, the defendant, MARLON PORTER, also known as "Marlon McKoy," and "Marlo," knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one (1) year, knowingly possessed, a firearm, in and affecting commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924.

COUNT THREE

On or about July 16, 2019 in the Eastern District of North Carolina, the defendant, MARLON PORTER, also known as "Marlon McKoy," and "Marlo," did knowing and intentionally distribute a quantity of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR

On or about July 23, 2019 in the Eastern District of North Carolina, the defendant, ITALIA WILLIAMS, did knowing and intentionally possess with the intent to distribute a quantity of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FIVE

On or about September 23, 2019 in the Eastern District of North Carolina, the defendant, MARLON PORTER, also known as "Marlon McKoy," and "Marlo", aiding and abetting another, did knowing and intentionally possess with the intent to distribute a quantity of heroin, a Schedule I controlled substance, and a quantity of cocaine and cocaine base (crack), Schedule II controlled substances, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT SIX

On or about September 23, 2019 in the Eastern District of North Carolina, the defendant, MARLON PORTER, also known as "Marlon McKoy," and "Marlo," aiding and abetting another, knowing that he had previously been convicted of a crime punishable by imprisonment for a term exceeding one (1) year, knowingly possessed, a firearm, in and affecting commerce in violation of Title 18, United States Code, Sections 922(g)(1) and 924 and 2.

COUNT SEVEN

On or about September 23, 2019, in the Eastern District of North Carolina, the defendant, MARLON PORTER, also known as "Marlon McKoy," and "Marlo," aiding and abetting another, did knowingly use and carry a firearm during and in relation to a trafficking crime for which he may be prosecuted in a court of the United States, as alleged in Count Five of this Indictment, and did possess said firearm in

furtherance of said drug trafficking crime, in violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT EIGHT

On or about December 13, 2019 in the Eastern District of North Carolina, the defendant, MARLON PORTER, also known as "Marlon McKoy," and "Marlo", and RAYMOND KENNEDY aiding and abetting each other, did knowing and intentionally possess with the intent to distribute a quantity of heroin, a Schedule I controlled substance, and a quantity of cocaine and cocaine base (crack), Schedule II controlled substances, all in violation Title 21, United States Code, Section 841 (a)(1) and Title 18, United State Code, Section, 2.

COUNT NINE

On or about December 13, 2019 in the Eastern District of North Carolina, the defendants, MARLON PORTER, also known as "Marlon McKoy," and "Marlo," and RAYMOND KENNEDY, aiding and abetting each other, and each knowing that he had previously been convicted of a crime punishable by imprisonment for a term exceeding one (1) year, knowingly possessed, a firearm, in and affecting commerce in violation of Title 18, United States Code, Sections 922(g)(1), 924 and 2.

COUNT TEN

On or about December 13, 2019, in the Eastern District of North Carolina, the defendant, MARLON PORTER, also known as "Marlon McKoy," and "Marlo," and RAYMOND KENNEDY, aiding and abetting each other, did knowingly use and carry

a firearm during and in relation to a trafficking crime for which he may be prosecuted in a court of the United States, as alleged in Count Eight of this Indictment, and did possess said firearm in furtherance of said drug trafficking crime, in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

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ALLEGATION OF PRIOR CONVICTION

For purposes of Title 21, United States Code, Sections 841(b) and 851, MARLON PORTER, also known as "Marlon McKoy," and "Marlo," committed the violations alleged in Counts Three, Five and Eight of the Indictment after a prior conviction for a felony drug offense, as defined in Title 21, United States Code, Section 802(57), had become final.

ALLEGATION OF PRIOR CONVICTION

For purposes of Title 21, United States Code, Sections 841(b) and 851, RAYMOND KENNEDY, committed the violations alleged in Count Eight of the Indictment after a prior conviction for a felony drug offense, as defined in Title 21, United States Code, Section 802(57), had become final.

[Remainder of the page intentionally left blank.]

FORFEITURE NOTICE

The defendants are given notice that pursuant to the provisions of Title 21, United States Code, Section 853 and Title 18, United States Code, Section 924(d), the latter as made applicable by Title 28, United States Code, Section 2461(c), all of the defendants' interest in all property specified herein is subject to forfeiture.

Upon conviction of any of the controlled substances offense(s) set forth in this Indictment, the defendants shall forfeit to the United States any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the said offense(s) and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said offense(s).

Upon conviction of any of the offense(s) set forth in this Indictment, the defendants shall forfeit to the United States any and all firearms or ammunition involved in or used in a knowing commission of the said offense(s).

The forfeitable property includes, but is not limited to, the following:

- a) a Taurus handgun serial number TLW82584 and ammunition
- b) a .357 handgun serial number 151901 and ammunition
- c) \$3,918 seized on September 23, 2019
- d) a Highpoint handgun serial number 340001 and ammunition
- e) a CPX-1 handgun serial number 755352 and ammunition
- f) \$1,823 seized on December 13, 2019

If any of the above-described forfeitable property, as a result of any act or omission the defendant,

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

A TRUE BILL:

REDACTED VERSION

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

FOREPERSON

DATE: 2.25.2020

ROBERT J. HIGDON, Jr.
United States Attorney

TSEVERO
BY: TIMOTHY M. SEVERO
Assistant United States Attorney